

November, 9, 2005

Dear FCC Commissioners,

I am writing to express strong support the original petition filed by the NAD, TDI, SHHH, DHHCAN, and ALDA, as well as to request for the FCC to expedite a favorable ruling on this matter.

The following points made in this petition are ones I wish to highlight, followed by my own comments at the conclusion of this message:

- 1). The FCC should require the TV program distributor or provider to respond to the consumer's complaint within 30 days after the complaint is received. The FCC should also establish fines/penalties for non-compliance with the captioning rules;
- 2). The FCC should establish compliance reporting requirements, filed by TV broadcasters along with compliance audits, to ensure continuing effective implementation of the captioning requirements and to hold broadcasters accountable for captioning. The FCC should require continuous monitoring of captioning by the TV broadcasters to ensure that technical problems are remedied promptly and efficiently. The FCC should require TV broadcasters to reformat edited or compressed captioning so the captioning can be transmitted accurately; and
- 3). For a program to be considered "captioned," the FCC should require that the captioning meet minimum FCC captioning standards for completeness, accuracy, readability, and synchronicity with the audio portion of the program. The FCC should adopt non-technical quality standards to ensure that TV broadcasts are fully accessible to deaf and hard of hearing individuals.

It is important for the FCC to view this request as to how it impacts Deaf, Hard of Hearing, and all individuals with a hearing loss on a daily basis not just in the case of emergencies, but any and all broadcast news alerts and breaking news as well. Daily broadcast news reporting alerts or even "breaking news" and "live from X, Y, and Z" remain inaccessible to deaf, hard of hearing, and hearing impaired individuals! On a daily basis, we remain left behind and disregarded when the news stations inform us "this live segment is not closed captioned". Recent examples like the "news alert" aired on TV earlier in October, informing the public of a bomb threat at a local post office in Chico, California, was not captioned, even though they were warning people to stay away until it was resolved; Or, when on 11/4/05, KOVR13, at the 5pm broadcast news, reported an alert to the public about 6 Convicts who escaped from Stanislaus County Prison, this too was not captioned. To a lesser degree but still important, last night, (11-08-05) news stations reporting results of the California special election – when it came to reporting live once again, we are told, "this live segment is not closed captioned". Prior to yesterday, the Governor's own advertisements promoting his reform for California, were not closed captioned. Whether it is for special or regular elections, the Governor and

especially, candidates running for President, who are using their own funds to pay for such advertisements should be captioning their issues aired.

For us, it goes to the question about their own morale and ethical standards to ensure that ALL citizens receive the same information, by captioning their commercials, and to be treated in an equal manner as everyone else! My point in raising this is that TV stations airing such commercials should have the responsibility to remind all advertisers and programmers to ensure their information is closed captioned inasmuch as ensuring their own broadcasts, live or otherwise: it should be, no matter what. Anything aired on TV period, should be closed captioned!

No amount of highly paid lobbying being done by the ABA can make excuses should it come to pass that as a result of lack thereof captioning information during live, breaking news, alerts, is not captioned, and a death occurs. Fines can't bring a person back to life! A friend from Hawaii recently remarked, "Suppose it had been a deaf teen that saw the alert post office splashed on the screen, since it was not captioned, becomes curious to discover "what's up?", leaves home to ride his bike to the P.O. to "check it out", and then boom, the bomb goes off and this child dies instantly. It is for situations like these, that the FCC needs to come down hard. It's been 15 years after the passage of the ADA, and I sincerely do not understand what the broadcasts TV stations are waiting for? Enough is enough.

The bottom line is, as American Citizens, we should not even have to ask for a petition to request that ALL information, programs, and commercials be accessible to ALL who watch TV. These special populations with a wide range of hearing losses are tax-payers, voters, and who strive to be on an equal footing with that of their hearing peers in all aspects of daily living should not be treated like 2nd Class Citizens and left behind. Equality can only exist if the United States government, specifically the FCC, continues to help us to break down such barriers.

Thank you,
Sheri Farinha Mutti, CEO
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